COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

_____   January 20, 2006

In the Matter of   DEP Docket No. 2004-167
Leo Construction Co., Inc.,   DALA Docket No. DEP –05-52
& Leo Construction   File No. PAN-CE-04-3003
Contractors, Inc.   Webster

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FINAL DECISION

I have reviewed the attached Settlement Agreement and Administrative Consent Order with Penalty and Notice of Noncompliance (ACOP-CE-05-2043-3T-SETT). Both documents are signed by Harry A. Leo, Sr., President, for the petitioner, Leo Construction Company, Inc. on December 23, 2005, by Harry Leo Jr., President, for the petitioner Leo Construction Contractors, Inc., on December 23, 2005 and by Martin Suuberg, Regional Director, for the Department, on December 27, 2005.

In accordance with section IV, paragraph 6 of the Administrative Consent Order with Penalty and Notice of Noncompliance, the petitioner is ordered to pay a civil administrative penalty in the amount of ten thousand dollars ($10,000.00) consistent with the terms in the same paragraph, and shall pay the additional suspended civil administrative penalty of ten thousand dollars ($10,000) upon demand by the Department, as provided for in section IV. The Petitioner is further ordered to perform the actions required in section IV, including implementation of the supplemental environmental project.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

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The Department issues this final decision incorporating the Settlement Agreement and Administrative Consent Order with Penalty and Notice of Noncompliance. Under the terms of 310 CMR 1.01(8)(c), this proceeding is dismissed, with the parties waiving whatever rights they may have to further administrative review before the Department as well as any appeal to court.

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Robert W. Golledge, Jr.
Commissioner